

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

MATTHEW THOMAS HOUFF,  Petitioner,  vs.  UNITED STATES OF AMERICA,  Respondent.	4:22-CV-04070-KES  GOVERNMENT’S MOTION TO DISMISS PETITIONER’S MOTION TO VACATE, SET ASIDE, OR CORRECT SENTENCE
---	--

The United States of America, by and through Assistant United States Attorney Eric Kelderman, pursuant to Rule 12 of the Rules for Section 2255 Proceedings and Federal Rules of Civil Procedure 12(b)(6), files this Motion to Dismiss Petitioner’s Motion to Vacate, Set Aside, or Correct a Sentence by a Person in Federal Custody Pursuant to 28 U.S.C. § 2255. Petitioner has failed to state a claim for relief.

Accordingly, the United States of America requests that the Petitioner’s motion for § 2255 relief be dismissed.

Dated and electronically filed September 28, 2022.

ALISON J. RAMSDELL  
United States Attorney

*/s/ Eric Kelderman*

ERIC KELDERMAN  
Assistant United States Attorney  
515 9th Street, Room 201  
Rapid City, SD 57701  
Telephone: (605) 342-7822  
E-mail: [eric.kelderman@usdoj.gov](mailto:eric.kelderman@usdoj.gov)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 28, 2022, a true and correct copy of the Government's Motion to Dismiss Petitioner's Motion to Vacate, Set Aside, or Correct Sentence was served upon petitioner by placing the same in U.S. first-class mail, addressed as follows:

Matthew Houff  
#79393-112  
Three Rivers FCI  
Inmate Mail/Parcels  
P.O. Box 4200  
Three Rivers, TX 78071

Dated and electronically filed September 28, 2022.

ALISON J. RAMSDELL  
United States Attorney

/s/ Eric Kelderman  
ERIC KELDERMAN  
Assistant United States Attorney  
515 Ninth Street, Room 201  
Rapid City, SD 57701  
Telephone: (605) 342-7822  
Email: [eric.kelderman@usdoj.gov](mailto:eric.kelderman@usdoj.gov)